

May 19 2023

JEFFREY P. ALLSTEADT, CLERK

**UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF
ILLINOIS BANKRUPTCY COURT**

In Re Felipe Nery Gomez (Ch. 7)	CASE NO. 23-3023 Hon. Judge Benjamin Goldgar Courtroom 642
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**STATUS REPORT
ON ELIMINATION OF MACK BAR THREAT
IN RE *E*Trade v F. Gomez et al. 19cv0827/21-1597***

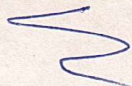
NOW COMES, Felipe N. Gomez, Pro Se, as to Debtor's identification of the Mack Bar threat from the USCA matter 21-1597 and related Creditors to 23-3023, during the 5.8.23 status hearing, and reports that, on May 18, 2023, the USCA7 elected to honor 11 USC 362(a), staying itself and the Mack Bar attempt, and thus, at this juncture, the Mack Bar is no longer a potential threat to Debtor's rights or the jurisdiction of this Court, opinion attached. *Attachment A - 5.18.23 Stay Order in 21-1597.*

Debtor reports that Debtor's affirmative action (responding to Creditor's E*Trade's "status report", which the USCA7 ordered at the behest of the Weisenthals, despite the Ws not having standing to do that there) was taken only after the Trustee declined or elected not to act to intercede and repel the Mack Bar effort, after being implored to do so by Debtor, as Debtor will detail in a forthcoming motion.

Debtor reports he has been conducting his personal civil RICO investigation and continues to do so, and reserves all claims related to, inter alia, Creditor E*Trade's et al., attempt in 21-1597 to assist the Weisenthals in goading the USCA7 into applying the Mack Bar threat (which illegal Mack Bar appeared to include ordering the NDILL not to accept even Debtor's Bankruptcy filings, is in fact is a significant reason Debtor was forced to file this action, in addition to E*Trade's unsecured attorney fee claims).

Debtor attaches for the record copies of the 5.3.23 Weisenthal Motion that attempted the end run of 11 USC 362, the 5.10.23 Order that motion brooked, and the opposing Status Reports referenced in the order. *Att. B - 5.3.23 Weisenthal Motion, Order, and Competing Status Reports.*


Tendered By: *s/* 

Dated: 5.19.23 

Felipe N. Gomez, Pro Se

CERTIFICATE OF SERVICE

I hereby certify that on 5.19.23, the foregoing Status Report, and Exhibits, was filed by email with the Clerk of the Bankruptcy Court for the United States N.D. Illinois. I also certify that all participants in the case that are registered CM/ECF users and will be served by the appellate CM/ECF system.

Date: 5.19.23 By: 

Felipe Gomez
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Villa Park, IL 60181
312.509.2071

fgomez9592@gmail.com

ATTACHMENT A

**5.18.23 USCA7 Order
Declining Mack Bar Invitation**

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen
United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604



Office of the Clerk
Phone: (312) 435-5850
www.ca7.uscourts.gov

ORDER

May 18, 2023

Before:

THOMAS L. KIRSCH II, *Circuit Judge*

No. 21-1597	E*TRADE SECURITIES LLC, Plaintiff - Appellee v. FELIPE N. GOMEZ, Defendant - Appellant
Originating Case Information:	
District Court No: 1:19-cv-00827 Northern District of Illinois, Eastern Division District Judge Rebecca R. Pallmeyer	

The following is before the court:

1. **STATEMENT FROM PLAINTIFF-APPELLEE E*TRADE SECURITIES LLC REGARDING DEFENDANT-APPELLANT FELIPE N. GOMEZ NON-COMPLIANCE WITH THIS COURTS' SANCTIONS ORDER**, filed on May 16, 2023, by counsel for the appellee.
2. **STATUS REPORT ON INABILITY TO PAY**, filed on May 16, 2023, by the pro se appellant,

IT IS ORDERED that these proceedings are **STAYED** pursuant to the automatic stay provision of 11 U.S.C. §362.

IT IS FURTHER ORDERED that Appellant Felipe Gomez shall file, on or before July 17, 2023, a status report detailing the progress of the bankruptcy proceeding.

23-3023

5.19.23 Debtor Status Report

ATTACHMENT B

5.3.23 Weisenthal Mack Bar Motion

5.10.23 USCA7 Order

5.16.23 Opposing Status Reports

No. 21-1597

IN THE UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

E*TRADE SECURITIES LLC,

Plaintiff-Appellee,

Appeal from the United States
District Court for the Northern
District of Illinois, Eastern Division

v.

No. 19 C 827

FELIPE GOMEZ,

Defendant-Appellant,

Rebecca R. Pallmeyer,
Chief Judge

CONSTANCE WEISENTHAL
and LARRY WEISENTHAL,

3rd Party Movants.

**CONSTANCE WEISENTHAL'S AND LARRY WEISENTHAL'S MOTION FOR
UPDATE ON POTENTIAL MACK BAR**

Constance Weisenthal and Larry Weisenthal (the “Weisenthals”), third parties to this action, respectfully ask this Honorable Court to enter an order directing appellant E*TRADE SECURITIES, LLC (“E*Trade”) to notify this Court whether Felipe Gomez (“Gomez”) has in fact paid \$47,433.50 for the expense of defending this appeal, so as to permit the Court to act on its prior order directing entry of a filing bar consistent with *Support Systems International, Inc. v. Mack*, 45 F.3d 185 (7th Cir. 1995) in the absence of such payment.

Constance and/or Larry Weisenthal are or were defendants in multiple other lawsuits brought by Gomez arising out of Gomez’s former role as custodian for accounts maintained for the benefit of his son. *See, e.g., Felipe Nery Gomez v. Weisenthal, et al.*, Bankr. Case No. 1:23-bk-3023, Dkt No. 42 (Adversary No. 23-00103) (Bankr. N.D. Ill.) (pending); *Gomez v. Weisenthal, et al.*, Case No. 8:21-cv-02039-JLS-JDE (C.D. Cal.) (dismissed and on appeal to 9th Circuit as Appeal No. 22-55833); *Felipe Gomez v. Connie Wiesental (sic), et al.*, No. 21 CH

04104 (Cir. Ct. Cook County) (voluntarily dismissed without prejudice) The Weisenthals are currently defendants in an action brought by Gomez within this judicial circuit based on the same or similar operative facts in this instant appeal and others addressed by this Court, including *Charles Schwab v. Felipe N. Gomez*, No. 21-1344 and *Charles Schwab v. Felipe N. Gomez*, No. 21-2531.

In its order dated February 2, 2023, the Court directed E*Trade to notify the Court if Gomez had satisfied his payment obligation on or before February 23, 2023, and directed that in the absence of such payment, the Court “will enter an order directing the clerks of all federal courts in this circuit to return unfiled any papers submitted either directly or indirectly by or on behalf of [Gomez] unless and until he pays in full the sanction that has been imposed against him.” Dkt. 62 at p. 2. However, E*Trade has not filed such a statement with this Court.

On March 7, 2023, Gomez filed a Voluntary Petition for Individual Bankruptcy in the United States Bankruptcy Court for the Northern District of Illinois (“Bankruptcy Court”). *See In Re Felipe Nery Gomez*, Case No. 1:23-bk-3023, Dkt. No. 1 (Bankr. N.D. Ill.). On March 27, 2023—more than a month after he was required to reimburse E*Trade—Gomez filed a schedule of his unsecured creditors with the Bankruptcy Court and listed the monetary sanction of \$47,433.50 owed to E*Trade in this case as an outstanding debt. *See Id.*, Dkt. No. 22, at p. 5 (No. 4.21). As the inclusion of that obligation within Gomez’s schedule of unsecured creditors would indicate the debt remains unpaid, the Weisenthals wish to update the presiding judge in Case Number 1:23-bk-3023, the Honorable Chief Judge A. Benjamin Goldgar, regarding the status of this Court’s potential *Mack* bar against Gomez.

WHEREFORE, Third Parties Constance and Larry Weisenthal respectfully ask this Honorable Court to enter an order directing E*TRADE SECURITIES, LLC to comply with this

Court's prior order and disclose whether Felipe Gomez has paid E*TRADE SECURITIES, LLC for the expense of defending this appeal, so that the Court can take any action consistent with its February 2, 2023 Order, and any other relief deemed just and appropriate.

Dated: May 3, 2023

Respectfully submitted,

**CONSTANCE WEISENTHAL and
LARRY WEISENTHAL**

/s/ Steven H. Leech
One of their attorneys

Steven H. Leech, Esq. (s.leech@gozdel.com)
Ryan F. Manion, Esq. (r.manion@gozdel.com)
**GOZDECKI, DEL GIUDICE,
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CERTIFICATE OF SERVICE

I certify that a copy of Constance Weisenthal's and Larry Weisenthal's Motion for Update on Potential *Mack* Bar was served on all parties of record on May 3, 2023, by filing this Motion through the Court's CM/ECF filing system and by sending a copy of this Motion to the following parties by first-class mail:

**Felipe Gomez
1922 W. Belmont Avenue
Chicago, IL 60657**

/s/ Steven H. Leech

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen
United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604



Office of the Clerk
Phone: (312) 435-5850
www.ca7.uscourts.gov

ORDER

May 10, 2023

Before
THOMAS L. KIRSCH II, *Circuit Judge*

No. 21-1597	E*TRADE SECURITIES LLC, Plaintiff - Appellee v. FELIPE N. GOMEZ, Defendant - Appellant
Originating Case Information:	
District Court No: 1:19-cv-00827 Northern District of Illinois, Eastern Division District Judge Rebecca R. Pallmeyer	

Upon consideration of the **CONSTANCE WEISENTHAL'S AND LARRY WEISENTHAL'S MOTION FOR UPDATE POTENTIAL MACK BAR**, filed on May 3, 2023, by Attorney Steven H. Leech,

IT IS ORDERED that the motion is **GRANTED**. Appellee E*TRADE shall file by May 17, 2023, a brief statement informing the court whether Appellant Felipe Gomez has complied with this court's sanction.

form name: c7_Order_3J (form ID: 177)

No. 21-1597

In the
**United States Court of Appeals
for the Seventh Circuit**

E*TRADE SECURITIES LLC,
Plaintiff-Appellee,
v.
FELIPE N. GOMEZ,
Defendant-Appellant.

**STATEMENT FROM PLAINTIFF-APPELLEE E*TRADE
SECURITIES LLC REGARDING DEFENDANT-APPELLANT
FELIPE N. GOMEZ NON-COMPLIANCE
WITH THIS COURT'S SANCTIONS ORDER**

On Appeal from the United States District Court for the Northern District of Illinois,
No. 1:19-cv-00827 (Hon. Rebecca R. Pallmeyer)

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Counsel for Plaintiff-Appellee
*E*TRADE SECURITIES LLC*

Plaintiff-Appellee E*TRADE Securities LLC (“E*TRADE”) submits this Statement in response to the Court’s May 10, 2023 Order that requested E*TRADE to file “a brief statement informing the court whether Appellant Felipe Gomez has complied with this court’s sanction.” (ECF No. 70.)

As of the date of this filing, Mr. Gomez has not complied with this Court’s February 2, 2023 Order (ECF No. 62) because Mr. Gomez has not reimbursed E*TRADE for any of the \$47,433.50 for E*TRADE’s expense of defending this frivolous appeal.

E*TRADE submits that it did not previously advise the Court of Mr. Gomez’s failure to pay out of an abundance of caution to not violate the automatic stay arising out of Mr. Gomez’s March 7, 2023 voluntary petition for relief in the United States Bankruptcy Court for the Northern District of Illinois, which case remains pending as Case No. 23-03023. (*See* ECF No. 67.)

Dated: May 16, 2023

Respectfully submitted,

/s/James T. Hultquist

James T. Hultquist
M. Patrick Yingling
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Counsel for Plaintiff-Appellee
*E*TRADE SECURITIES LLC*

CERTIFICATE OF SERVICE

I hereby certify that, on May 16, 2023, I electronically filed the foregoing Statement from Plaintiff-Appellee E*TRADE Securities LLC Regarding Defendant-Appellant Felipe N. Gomez Non-Compliance with this Court's Sanctions Order with the Clerk of this Court using the appellate CM/ECF system. The participants in the case are registered CM/ECF users, and service will be accomplished via the appellate CM/ECF system.

/s/ James T. Hultquist

Counsel for Plaintiff-Appellee
*E*TRADE SECURITIES LLC*

Nos. 21-1597

20-3349

In the
United States Court of Appeals
for the Seventh Circuit

E*TRADE SECURITIES LLC

Appellee

v.

FELIPE NERY GOMEZ

Appellant

and

(Arthur James Muellman Gomez)

Non-Appellant

19cv0827

Appeal from the United States District Court

for the Northern District of Illinois, Eastern Division, No. 19cv0827

The Honorable Judge Rebecca Pallmeyer, Judge Presiding.

APPELLANT'S STATUS REPORT ON INABILITY TO PAY

Felipe Gomez, Pro Se

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May 16, 2023

21-1597

APPELLANT-GOMEZ STATEMENT OF INABILITY TO PAY

Defendant-Appellant Felipe N. Gomez ("Gomez"), hereby respectfully STATES that: 1) 11 USC 362(a) applies to this matter, as well as the Court and Parties; 2) The Seventh Circuit appointing private attorney generals violates Separation of Powers as to both Article I and II, 3) Debtor Gomez is exercising his Constitutional Right in NDILL BK 23-3023 and related matters; 4) As reflected in 23-3023, Debtor-Appellant cannot pay the demanded attorney fees demanded by E*Trade, 5) The U.S. Trustee has attempted to assert to Appellant this case is under its authority at least (as Appellant interprets the position), and 6) The Weisenthals had no standing to file into this appeal or demand the order obtained from this Court.

Respectfully submitted on 5.16.23

By: */s/ Felipe Nery Gomez* , Pro Se

Felipe Nery Gomez, Pro

Se

28 USC 1746 VERIFICATION

I, Felipe N. Gomez, Pro Se, declare and state under penalty of perjury that the foregoing instrument was drafted by myself, and that the statements therein are true and correct, unless stated on information and belief, and as to same such is to the best of Gomez's knowledge.

Executed and *Verified By: /s/ Felipe N. Gomez, Pro Se* on **5.16.23.**

CERTIFICATE OF SERVICE

I hereby certify that on this date, an electronic copy of the foregoing Verified Statement was filed with the Clerk of Court for the United States Court of Appeals for the Seventh Circuit using the appellate CM/ECF system, and service will be accomplished on all appearing parties by the appellate CM/ECF system.

Respectfully submitted on 5.16.23

s/ Felipe Nery Gomez

Felipe N Gomez

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